 <p>ADVANCED BIONICS</p> <p>12740 San Fernando Rd. Sylmar, CA 91342</p>	<p><b>FAX TRANSMITTAL</b></p> <p>To: US Patent &amp; Trademark Office Examiner Joseph S. Machuga, Art Unit 3762, phone (703) 305-6184</p> <p>Fax: (703) 872-9306</p> <p>From: Laura Haburay Bishop phone (661) 362-1906 fax (661) 362-1507</p> <p>Date: November 1, 2004</p> <p>Pages: Ten (10), Including Cover Page</p> <p>Re: Amendment Under 37 CFR 1.116 for S/N 09/993,086, filed 11/6/2001 (November 6, 2001); Attorney Docket No.: AB-135U</p>	<p><b>Certificate of Transmission</b></p> <p>I hereby certify this correspondence, including the papers listed, is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax. No. (703) 872-9306</p> <p>on this date: <u>November 1, 2004</u></p> <p>Typed Name: <u>Karvn M. Murray</u></p> <p>Signature: <u>[Signature]</u></p> <p>Date: <u>2004/01/01</u></p>
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**AMENDMENT AFTER FINAL  
EXPEDITED HANDLING REQUESTED**

Please find attached:

- Amendment Transmittal Letter, including authorization to charge \$110 to Deposit Account (1 page);
- Rescission of Previous Nonpublication Request (1 page); and
- Amendment Under 37 CFR 1.116, responding to a final Office Action mailed July 2, 2004, for Application Serial Number 09/993,086 (7 pages).

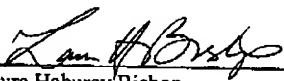
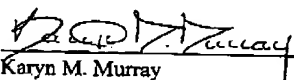
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☒ Please Acknowledge Receipt of This Communication.

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<b>AMENDMENT TRANSMITTAL LETTER</b>				<b>Attorney Docket No:</b> AB-135U		
<b>Application Serial Number:</b> 09/993,086		<b>Filing Date:</b> 11/6/2001		<b>Examiner:</b> Joseph S. Machuga		<b>Group Art Unit:</b> 3762
<b>Title:</b> Systems and Methods for Treatment of Obesity and Eating Disorders by Electrical Brain Stimulation and/or Drug Infusion						
<b>TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:</b> Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.						
<b>CLAIMS AS AMENDED</b>						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
<b>TOTAL CLAIMS</b>	21	MINUS	33	0	\$18	\$0
<b>INDEP. CLAIMS</b>	2	MINUS	3	0	\$88	\$0
<input checked="" type="checkbox"/> <b>Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of 7/2/2004 to and through 11/1/2004, comprising an extension of the shortened statutory period of:</b> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div> <input checked="" type="checkbox"/> one month (\$110)  <input type="checkbox"/> two months (\$430)         </div> <div> <input type="checkbox"/> three months (\$980)  <input type="checkbox"/> four months (\$1,530)         </div> </div>						
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>						
<div style="margin-bottom: 20px;"> <input checked="" type="checkbox"/> Charge \$ <u>110.00</u> to Deposit Account <u>50-0648</u>.         </div> <div style="margin-bottom: 20px;"> <input checked="" type="checkbox"/> Rescission of Previous Nonpublication Request Enclosed.         </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <u>2004 Nov 01</u>            Date         </div> <div style="text-align: center;">             Laura Haburay Bishop            Reg. No. 47424         </div> </div> <div style="margin-top: 40px;"> <p>I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax. No. (703) 872-9306 on <u>November 1, 2004</u>.</p> <div style="text-align: center; margin-top: 20px;">             Karyn M. Murray         </div> </div>						

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NOV 01 2004

Docket No. AB-135U

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/993,086  
Conf. No.: 7480Applicant: Whitehurst  
Filed: November 6, 2001  
TC/A.U.: 3762  
Examiner: Machuga, Joseph S.Appl. Title: Systems and Methods for Treatment of  
Obesity and Eating Disorders by Electrical  
Brain Stimulation and/or Drug InfusionDocket No.: AB-135U  
Customer No.: 23845

## Certificate of Transmission

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on this date: November 1, 2004

Typed Name: Karyn M. Murray

Signature: 

Date: 2004-11-01

Commissioner for Patents  
Alexandria, VA 22313-1450AMENDMENT AFTER FINAL  
EXPEDITED HANDLING REQUESTEDAmendment Under 37 C.F.R. 1.116

Dear Examiner:

This amendment responds to the final Office action mailed 7/2/2004 for the subject application, in which all pending claims, claims 1-6, 16-25, 27-30 and 32, were rejected. An extension fee for response within the first month is being submitted concurrently herewith.

Applicant submits that this amendment places the claims in condition for allowance and/or in better form for consideration on appeal. It is respectfully requested that this amendment be considered and entered.

Remarks begin on page 2 of this paper.

Appl. Ser. No. 09/993,086  
Amendment dated November 1, 2004  
Reply to final Office action of July 2, 2004

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